

District of Columbia Code references to D.C. Auditor

D.C. Code Section 1-204.55

Section 1-204.55. District of Columbia Auditor

(a) There is established for the District of Columbia the Office of District of Columbia Auditor who shall be appointed by the Chairman, subject to the approval of a majority of the Council. The District of Columbia Auditor shall serve for a term of 6 years and shall be paid at a rate of compensation as may be established from time to time by the Council.

(b) The District of Columbia Auditor shall each year conduct a thorough audit of the accounts and operations of the government of the District in accordance with such principles and procedures and under such rules and regulations as he may prescribe. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents and records, the District of Columbia Auditor shall give due regard to generally accepted principles of auditing including the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices.

(c) The District of Columbia Auditor shall have access to all books, accounts, records, reports, findings and all other papers, things, or property belonging to or in use by any department, agency, or other instrumentality of the District government and necessary to facilitate the audit.

(d) The District of Columbia Auditor shall submit his audit reports to the Congress, the Mayor, and the Council. Such reports shall set forth the scope of the audits conducted by him and shall include such comments and information as the District of Columbia Auditor may deem necessary to keep the Congress, the Mayor, and the Council informed of the operations to which the reports relate, together with such recommendations with respect thereto as he may deem advisable.

(e) The Council shall make such report, together with such other material as it deems pertinent thereto, available for public inspection.

(f) The Mayor shall state in writing to the Council, within an appropriate time, what action he has taken to effectuate the recommendations made by the District of Columbia Auditor in his reports.

(g) This section shall not apply to the District of Columbia Courts or the accounts and operations thereof.

D.C. Code § 1-301.174

Section 1-301.174. District of Columbia Auditor Legal Fund

(a) There is established as a non-lapsing fund the District of Columbia Auditor Legal Fund ("Fund"), which shall be administered by the District of Columbia Auditor for the purpose of enforcing the District of Columbia Auditor's subpoena power.

(b) There shall be deposited into the Fund all fees awarded and expenses or costs reimbursed pursuant to § 1-301.172(b) or (c), and any other funds required by law to be deposited into the Fund.

(c) Funds deposited to the Fund shall be used for the purpose of subpoena enforcement against a District government agency or instrumentality challenging the District of Columbia Auditor's subpoena authority. All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the purpose set forth in this section without regard to fiscal year limitation, subject to authorization by Congress.

D.C. Code § 1-301.172

Section 1-301.172. Enforcement

(a) In a case of contumacy or refusal to obey a subpoena issued to a person under § 1-301.171, the Auditor may apply to the Superior Court of the District of Columbia for an order requiring the contumacious person to appear relating to the matter under investigation. Failure to obey the Court's order shall be punishable as contempt of court.

(b) If the District of Columbia Auditor prevails, in whole or in part, in an application to the Superior Court of the District of Columbia in a suit to enforce a subpoena issued pursuant to § 1-301.171, the District of Columbia Auditor may be awarded reasonable attorney fees and other costs of litigation.

(c) If the District of Columbia Auditor prevails, in whole or in part, in an application to the Superior Court of the District of Columbia in a suit to enforce a subpoena issued pursuant to § 1-301.171 and is not awarded reasonable attorney's fees, the District government agency or instrumentality challenging the enforcement order shall reimburse the District of Columbia Auditor for any litigation-related expenses or costs incurred.

D.C. Code § 1-301.171

Section 1-301.171. Subpoenas

The District of Columbia Auditor may subpoena witnesses, compel the attendance and testimony of witnesses, and require the production of any records, including books, papers, documents, and any other evidence relating to any matter under investigation by the District of Columbia Auditor.

D.C. Code § 1-301.181

§ 1-301.181. Establishment of a compliance unit

(a) There is established a compliance unit ("Unit") within the Office of the District of Columbia Auditor.

(b) The Unit shall:

(1) Conduct an audit and report on compliance related to real estate development transactions, agreements, or parcels ("projects") receiving government assistance, which were previously managed by the dissolved National Capital Revitalization Corporation and Anacostia Waterfront Corporation and placed under the management of the Office of the Deputy Mayor for Planning and Economic Development, pursuant to § 2-1225.01 et seq.;

(2) Monitor agency contracting and procurement activities to the extent those activities are related to the achievement of the goals set forth in § 2-218.41;

(3) Review quarterly and annual reports required by §§ 2-218.50 and 2-218.53 of each agency;

(4) Monitor third-party contracting and procurement activities to the extent those activities are related to contracting with, and procuring from, certified business enterprises; and

(5) Review any reports as may be required of third parties.

(c) For the purposes of this part, the term "government assistance" means a grant, loan, tax increment financing, or other financial assistance that results in a financial benefit from an agency, commission, instrumentality, or other entity of the District government. The term "government assistance" may also include PILOT financing, a Tax Abatement, a Tax Incentive, or a discounted lease or sale price for District-owned land.

(d) The Unit's audit shall focus on the following compliance requirements:

(1) Requirements related to developer selection and performance guidelines, as defined in the Mayor's source-selection process;

(2) Requirements related to selection of goods and services, as defined in § 2-301.01 et seq.;

(3) Requirements related to living-wage laws pursuant to § 2-220.01 et seq.;

(4) Requirements related to contracting with, and procuring goods and services from, Certified Business Enterprises ("CBEs") pursuant to § 2-218.01 et seq.;

(5) Requirements related to equity and development participation by CBEs pursuant to the SLDBE Assistance Act;

(6) Requirements related to environmental standards, including § 6-1451.01 et seq., § 2-1226.31 et seq., and where applicable, the Leadership in Energy and Environmental Design ("LEED") Green Building Rating System; and

(7) Requirements related to affordable housing mandates, including § 6-1041.01 et seq., the Community Development Block Grant, the Housing Production Trust Fund, the Home Investment Partnerships Program, and the Low-Income Housing Tax Credit program, as applicable.

D.C. Code § 1-301.183

Section 1-301.183. Reporting requirements

(a) The Unit will conduct its audit after the completion of each project, once the project has received a certificate of occupancy. Each project will only be audited one time.

(b) The Unit's reporting requirements that are submitted to the Council after the completion of the project and at the end of each fiscal year shall include an annual written report, including an executive summary, compiling the Unit's findings, which:

(1) Assesses the compliance and enforcement capacity of each District agency required to monitor and enforce requirements set forth in § 1-301.181(b), including the number of employees still needed to meet those requirements;

(2) Evaluates each project identifying relevant compliance requirements, such as which contract, procurement, or legislative mandates were met, or not met, and reasons for under-compliance or noncompliance; and

(3) Makes recommendations addressing problems with under-compliance and noncompliance with a goal of 100% compliance for all relevant contract, procurement, or legislative mandates.

(c) The Unit shall provide written and oral testimony to the Council on the findings for each project discussed in subsection (b) at oversight hearings that are to be scheduled by the Council Chairperson at the request of the Unit.

(d) The Unit shall make public the names of any contractor found to be under-compliant or noncompliant after a correction period to be determined at the discretion of the Unit on a per-project basis.

(e) If the Unit's findings reveal under-compliance or noncompliance on a given project, the Unit is required to report such findings to the relevant District agency's director and the Council Chairperson. The relevant District agency shall be responsible for enforcing compliance of any violation found.

(f) Annual reports and written testimony from oversight hearings shall be made available to the general public on the Office of the District of Columbia Auditor's website.

D.C. Code § 1-614.14

Section 1-614.14. Development of plans and reports

(a) Agencies of the District of Columbia shall develop the performance plans and performance reports that are submitted by January 1, 1996, January 1, 1997, and succeeding years in consultation with the Office of the District of Columbia Auditor.

(b) The Mayor shall order that the District of Columbia Office of Personnel amend its management and personnel laws and regulations to be in conformance with the provisions of this subchapter.

(c) The Office of the District of Columbia Auditor shall conduct an audit of selected performance measures presented in performance reports of certain

necessary to assure that all contracts entered into by the government corporation, or any agency or subsidiary of the government corporation, with respect to the development and construction of a project undertaken by the government corporation, comply with the First Source Employment requirements of § 2-219.01 et seq.

(2) Of the jobs required to be filled pursuant to paragraph (1) of this subsection, at least 20% of those jobs shall be designated for residents in the ward in which the work is being performed.

(e) (1) A government corporation shall take all measures as shall be reasonably necessary to assure that all contracts entered into by the government corporation or any agency or subsidiary of the government corporation with respect to the development and construction of a project undertaken by the government corporation shall comply with the requirements of § 32-1401 et seq.

(2) (A) Fifty percent of all apprenticeship hours performed pursuant to any apprenticeship programs related to the construction and operation of a project undertaken by the government corporation shall be performed by District of Columbia residents.

(B) Any prime contractor or subcontractor that fails to make a good faith effort to comply with the requirements of this paragraph shall be subject to a monetary fine in the amount of 5% of the direct or indirect labor costs of the contract. Fines shall be imposed by the Department of Employment Services to be applied to job training programs, subject to appropriations by Congress.

(f) Beginning with the first full quarter after April 20, 2010, each government corporation shall provide a quarterly report for every quarter, except for the 4th quarter, to the Department and to the District of Columbia Auditor within 30 days after the end of each quarter. The 4th quarter and annual report shall be submitted together. A quarterly report shall include the following information:

(1) The dollar volume and percentage of awards to local, small, and disadvantaged business enterprises in construction and development projects;

(2) The dollar volume and percentage of awards to local, small, and disadvantaged business enterprises in development projects as equity partners;

(3) The dollar volume and percentage of awards to certified business enterprises for contracting and procurement of goods and services;

(4) The dollar amount actually expended with local, small, and disadvantaged business enterprises in construction and development projects;

(5) The dollar amount actually expended with certified business enterprises in development projects as equity partners; and

(6) The dollar amount actually expended with certified business enterprises for contracting and procurement of goods and services.

(g) Beginning with fiscal year 2006, each government corporation shall provide an annual report to the Department and to the District of Columbia Auditor within 45 days after the end of each fiscal year. The annual report shall include the information required to be included in the quarterly reports (with the dollar percentages and volumes calculated on an annual basis, including 4th quarter reports).

(h) The District of Columbia Auditor shall monitor government corporation compliance with the reporting requirements of this section.

(i) The Department shall review the annual report of a government corporation to determine whether the planned activities of the government corporation for the succeeding fiscal year are likely to enable the government corporation to achieve the goals set forth in this section. The Department shall make recommendations concerning activities in which the government corporation should engage in to meet or exceed the requirements set forth in this section. The Department's recommendations shall be submitted to the government corporation, the Commission, the Council, the Mayor, and the District of Columbia Auditor within 30 days of the government corporation's annual report submission.

(j) The Department may review the annual report of a government corporation to determine whether the planned activities of the government corporation for the succeeding fiscal year are likely to enable the government corporation to achieve the goals set forth in this section. The Department may make recommendations concerning activities in which the government corporation should engage in to meet or exceed the requirements set forth in this section. The Department's recommendations, if any, shall be submitted to the government corporation and the District of Columbia Auditor.

D.C. Code § 2-218.53

Section 2-218.53. Agency reporting requirements

(a) Each agency shall submit a quarterly report to the Department and to the District of Columbia Auditor within 30 days after the end of each quarter, except for the 4th quarter report. The 4th quarter and annual report shall be submitted together. When submitting a quarterly report, each agency shall list each expenditure as it appears in the general ledger from the expendable budget of the agency during the quarter, which shall include:

- (1) The name of the vendor from which the goods or services were purchased;
- (2) The vendor identification number as it appears in the general ledger;
- (3) A description of the goods or services;
- (4) Whether the vendor was a certified small business enterprise;
- (5) The funding source for the expenditure (local, federal, capital, or other);
- (6) The date of the expenditure;
- (7) The dollar amount of the expenditure; and
- (8) If the vendor is a certified business enterprise, the percentage the amount from paragraph (7) of this subsection is of the agency's total expenditure on all certified business enterprises.

(b) Each agency shall submit to the Department and the District of Columbia Auditor, within 30 days of the issuance of the Comprehensive Annual Financial Report, an annual report listing each expenditure as it appears in the general ledger from the expendable budget of the agency during the fiscal year which shall include:

- (1) The information required to be included in the quarterly reports (with calculations for the fiscal year);
- (2) A description of the activities the agency engaged in, including the programs required by this part, to achieve the goals set forth in § 2-218.41; and
- (3) A description of any changes the agency intends to make during the succeeding fiscal year to the activities it engages in to achieve the goals set

forth in § 2-218.41.

(c) The Department shall monitor agency compliance with the reporting requirements of this section.

(d) The District of Columbia Auditor shall review the annual report of each agency to determine whether the planned activities of the agency for the succeeding fiscal year are likely to enable the agency to achieve the goals set forth in § 2-218.41. The District of Columbia Auditor shall make recommendations on activities the agency should engage in to meet or exceed the goals set forth in § 2-218.41. The District of Columbia Auditor's recommendations shall be submitted to the agency, the Council, and the Department.

(e) The Department shall review the annual report of an agency to determine whether the planned activities of the agency for the succeeding fiscal year are likely to enable the agency to achieve the goals set forth in § 2-218.41. The Department shall make recommendations on activities the agency should engage in to meet or exceed the goals set forth in § 2-218.41. The Department's recommendations shall be submitted to the agency, the Office of District of Columbia Auditor, and the Council within 30 days of the agency's annual report submission.

D.C. Code § 1-301.44c

§ 1-301.44c. Disclosure of information to the Council; District of Columbia Auditor; conditions on disclosure

(a) Notwithstanding any other provision of law, no document or information that the following persons or entities have requested for the purpose of performing their official duties shall be withheld by a subordinate or independent agency, instrumentality, board, or commission, or by an official or employee thereof, based upon a statutory or regulatory provision restricting or prohibiting disclosure to the general public:

(1) The Council;

(2) A Council committee;

- (3) A member of the Council acting in an official capacity;
 - (4) The District of Columbia Auditor; or
 - (5) An employee of the Office of the District of Columbia Auditor.
- (b) Documents or information obtained under subsection (a) of this section shall remain subject to the underlying statutory restrictions and shall not be disclosed to the public or any third party unless permitted by that statute.
- (c) Documents or information shall not be disclosed to the Council under subsection (a) of this section if:
- (1) A District statute expressly prohibits disclosure of the information to the Council; or
 - (2) A federal law or regulation requires that the information be withheld from disclosure to the Council in such a manner that it leaves no discretion on the issue.
- (d) Disclosure of documents or information under subsection (a) of this section shall not constitute a waiver of any privilege or exemption that otherwise could lawfully be asserted by the District of Columbia to prevent disclosure to the general public or in a judicial or administrative proceeding.

D.C. Code § 1-301.173

Section 1-301.173. Administration of oaths; affidavits

The District of Columbia Auditor, or a delegate authorized by the Auditor, may administer oaths, affirmations, or take affidavits, whenever necessary to perform the duties of the Auditor.

D.C. Code § 32-131.15

§ 32-131.15. Report by the District of Columbia Auditor

The District of Columbia Auditor shall prepare and submit to the Mayor and Council, annually, a report of this chapter's economic impact on the private sector. Among other things, the District of Columbia Auditor shall audit a sample of District businesses to determine:

- (1) The compliance level of businesses with the posting requirements; and
- (2) Whether companies are utilizing staffing patterns to circumvent the intention of this chapter.

Code of D.C. Municipal Regulations references to D. C. Auditor

CDCR 1-904

1-904. FREEDOM OF INFORMATION INQUIRIES.

904.1 A request to inspect an identifiable record or other information in the possession of the Office of the District of Columbia Auditor, not available in the usual course of operation, shall be submitted by letter addressed to the District of Columbia Auditor. The request shall have "Freedom of Information Request" or "Information Request" marked clearly on the envelope.

904.2 The request shall sufficiently identify the records sought to enable the Auditor to locate them without unreasonable effort. Where possible, specific information which may help to identify the records shall be supplied.

904.3 If the Auditor determines that the request does not sufficiently identify the information requested, the Auditor shall notify the requester of the need for additional clarification.

904.4 Within ten (10) days, excluding Saturdays, Sundays, and legal holidays, of receipt of a request, the Auditor shall make the information available to the requester.

904.5 The Auditor may deny a request if the information requested is within one (1) of those areas designated as exempt from disclosure pursuant to D.C. Code § 1-1524 (1999 Repl.).

904.6 If a requested record cannot be located from the information supplied, or is known to have been destroyed or otherwise disposed of, the Auditor shall so notify the requester.

904.7 There shall be no charge for providing access to information. The first twenty (20) pages copied pursuant to a request shall be without charge. Copies in excess of twenty (20) pages shall be charged at the rate of ten cents (10 [cents]) per page.

904.8 The Auditor shall notify the requester in advance of charges, and no

chargeable copies shall be made without the written agreement of the requester.

904.9 If the Auditor determines that furnishing copies without charge is in the best interest of the public, the Auditor may waive all or part of the charge.

904.10 The Auditor shall maintain a file of all requests pursuant to this section and the disposition of each request.

CDCR 1-901

1-901. AUDIT STANDARDS.

901.1 Auditors in the Office of the District of Columbia Auditor shall comply with the standards and procedures contained in the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions (also known as the "Yellow Book"), issued by the Comptroller General of the United States, February 1981. These standards and procedures are incorporated by reference as a part of this chapter.

901.2 In the case of that limited number of financial audits not covered by the standards and procedures cited in § 901.1, the standards and procedures contained in Audits of State and Local Governmental Units (Third Edition), prepared by the Committee on Governmental Accounting and Auditing, American Institute of Certified Public Accountants, shall be the standards and procedures used. These standards and procedures are incorporated by reference as a part of this chapter.

901.3 The publication Standards for Audit of Governmental Organizations, Programs, Activities, and Functions, incorporated by reference in § 901.1, and the publication Audits of State and Local Governmental Units, incorporated by reference in § 901.2, shall be kept on file and shall be available for public inspection at the Office of the District of Columbia Auditor.

901.4 A copy of the publication Standards for Audit of Governmental Organizations, Programs, Activities, and Functions (February 1981) may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

901.5 A copy of the publication Audits of State and Local Governmental Units (Third Edition) may be obtained from the American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, New York 10036.

901.6 The District of Columbia Auditor may from time to time adopt new standards and procedures in accordance with the procedures provided in the District of Columbia Administrative Procedure Act (D.C. Code §§ 1-1501 et seq. (1999 Repl.)).

CDCR 8-A322

8-A322. AUDITS BY FEDERAL, DISTRICT, AND PRIVATE AGENCIES.

322.1 In addition to audits required by law or made in accordance with the law by the District Auditor or other authorized official or entity, the Board may request audits of the disbursements and income of the School of Law, including the Office of the Board of Governors.

322.2 The Dean shall make available to the District auditing agencies and other authorized auditors all information necessary to conduct an audit.

322.3 The Board may at its discretion provide for audits by private auditing firms.

CDCR 1-900

1-900. APPLICABILITY.

900.1 The audit standards and procedures incorporated by reference in § 901 shall apply to audits of all government organizations, programs, activities, and functions, performed by auditors employed by the Office of the District of Columbia Auditor.

900.2 The audit standards and procedures shall also apply to audits of non-governmental entities which receive District or federal funds, such as contractors and grantees.

CDCR 1-905

1-905. NOTICE OF ACTIONS WITH REGARD TO ISSUANCE OF DEBT INSTRUMENTS.

905.1 The requirements of this section shall apply to every department, agency, or other instrumentality of the government of the District of Columbia which, with regard to the issuance of bonds or other debt instruments, does any of the following:

(a) Solicits proposals from, contracts with, or pays for the services of any of the following:

(1) Financial advisor;

(2) Legal counsel;

(3) Underwriter;

(4) Transfer agent; or

(5) Registrar;

(b) Disseminates any draft or final official statement or prospectus.

905.2 Any department, agency, or instrumentality taking any of the actions described in § 905.1 shall file with the Office of the District of Columbia Auditor a copy of the solicitation for proposals, contract, payment advice, draft of final official statement, or prospectus within five (5) days of taking the action.

905.3 Every department, agency, or instrumentality of the government of the

District of Columbia which issues bonds or other debt instruments shall, not later than five (5) days before settlement of the proposed debt issue, give written notice to the Office of the District of Columbia Auditor of the following:

- (a) The amount of debt to be incurred;
- (b) The term of the obligation;
- (c) The coupon or nominal interest rate; and
- (d) The total proceeds.

CDCR 6-B3102

6-B3102. DISCLOSURE OF OFFICIAL INFORMATION TO PERSONNEL AND LAW ENFORCEMENT AUTHORITIES.

3102.1 It shall be the policy of the District Government to make personnel information in its possession or under its control available upon request to appropriate personnel and law enforcement authorities, except if such disclosure would constitute an unwarranted invasion of personal privacy or is prohibited by law or regulation.

3102.2 "Personnel Authority" means an individual with the authority to administer all or a portion of a personnel management program, including:

- (a) The chain of command extending from the employee's immediate supervisor through the Mayor or an Independent Personnel Authority, as defined in subsection 3103.3 of this chapter; and
- (b) Personnel staff which services the employee's agency.

3102.3 "Law Enforcement Authority" means a government official or agency whose duties or mission requires access to an employee's personnel record in order to oversee, audit, or enforce the execution of the personnel laws of the District of Columbia and laws of the United States. Law Enforcement Authorities include:

- (a) The Council of the District of Columbia;

- (b) Either House of Congress;
- (c) An appropriate committee or subcommittee--jointly or of either House of Congress;
- (d) The Inspector General of the District of Columbia;
- (e) The Comptroller General of the United States;
- (f) The District of Columbia Auditor;
- (g) The U.S. Office of Personnel Management;
- (h) To the extent required by a specific investigative or other law enforcement activity--
 - (1) District of Columbia government police agencies; and
 - (2) Federal police agencies;
- (i) Any authorized representative of a law enforcement agency in the course of the performance of official duties;
- (j) The D.C. Corporation Counsel; and
- (k) To the extent required for the representation of the District government in labor litigation, the D.C. Office of Labor Relations and Collective Bargaining.

3102.4 The Office of Personnel or an Independent Personnel Authority may disclose, without prior consent of the data subject, specified information from a system of personnel records whenever such disclosure is pursuant to an order issued by any of the following:

- (a) Grand Jury;
- (b) Quasi-judicial agency; or
- (c) Court of competent jurisdiction, including the judicial system of the United States, the District of Columbia, or a state, territory, or a possession of the

United States.

3102.5 Before complying or refusing to comply with the order, an official with authority to disclose records under these regulations shall consult legal counsel to ensure that the response is appropriate.

3102.6 The Office of Personnel, an Independent Personnel Authority, or an agency may disclose, without the prior consent of the individual, specified information from a system of records whenever such disclosure is pursuant to a subpoena issued in connection with a judicial or administrative proceeding.

3102.7 Before responding to a subpoena, an official with authority to disclose records under these regulations shall consult, as appropriate, with legal counsel to ensure that--

- (a) The requested materials are not privileged and are relevant to the subject matter of the related judicial or administrative proceeding;
- (b) Motion is made to quash or modify a subpoena that is unreasonable or oppressive;
- (c) Motion is made for a protective order where necessary to restrict the use or disclosure of any information furnished for purposes other than those of the judicial or administrative proceeding; or
- (d) Request is made for an extension, if needed, of the time allowed for response.

3102.8 If a subpoena for production of documents requests the appearance of an Office of Personnel or Independent Personnel Authority employee who is to bring those documents, the response shall be to have that employee bring certified copies of the appropriate records to the requesting party. In no event shall original documents be released from the physical control of a responsible Office of Personnel or Independent Personnel Authority employee.

3102.9 If oral testimony is sought by a subpoena, an explanation, which sets forth the testimony desired, shall be requested. The employee or former employee of the Office of Personnel who has been subpoenaed to provide material or information shall consult with legal counsel to determine the matters about which the employee may properly testify.

3102.10 In all situations concerning a subpoena or other demand for an employee of the Office of Personnel or an Independent Personnel Authority or agency to produce any material or testimony relating to information contained in the files of the Office of Personnel or Independent Personnel Authority or agency acquired as part of the employee's performance of his or her official duties, the employee shall not disclose the information without prior approval of the appropriate Office of Personnel or Independent Personnel Authority officials.

3102.11 If it is decided that the information or material should not be provided, the employee or former employee subpoenaed shall respectfully decline to comply with the demand on the basis of instructions from the appropriate Office of Personnel or Independent Personnel Authority official.

3102.12 When the subpoenaed records (or a portion thereof) are Federal personnel records subject to the Privacy Act, the disclosing official of the Office of Personnel or Independent Personnel Authority shall --

(a) Forward the Federal personnel record and a copy of the subpoena to the U.S. Office of Personnel Management;

(b) Notify the judicial or other authority issuing the subpoena that this action has been taken because the authority to disclose Federal personnel records rests with the U.S. Office of Personnel Management;

(c) Notify the individual of the subpoena's issuance and the steps taken under (a) and (b) above.

3102.13 Personnel records subject to these regulations may be disclosed to all Personnel Authorities.

3102.14 Personnel records subject to these regulations may be disclosed to an authorized law enforcement authority, as defined by subsection 3102.3 of this chapter, without the prior concurrence of the employee, as follows:

(a) When the head of the agency or instrumentality has made a written request to the agency which maintains the records, specifying the particular portion desired and the law enforcement activities for which the record is sought.

(b) Disclosure may be made only while the record remains in the physical possession of the agency or agency representative which maintained the record and after consultation with legal counsel as provided in subsection 3102.7 above.